

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|--|---|------------------------------|
| | x | |
| | : | Case No.: 1:21-cv-04529 |
| David Jackson, individually and on behalf of | : | |
| all others similarly situated, | : | Honorable Nancy L. Maldonado |
| | : | |
| Plaintiff, | : | |
| | : | |
| vs. | : | |
| | : | |
| Discover Financial Services Inc., | : | |
| | : | |
| Defendant. | : | |
| | x | |

**PLAINTIFF’S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

David Jackson (“Plaintiff”), with the consent of Discover Bank¹ (“Defendant”), respectfully moves this Court under Rule 23(e) for preliminary approval of the parties’ class action settlement. The settlement, which followed more than a year of contested litigation, resolves the claims of Settlement Class Members under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227.

To that end, Defendant will create a non-reversionary, all-cash settlement fund of \$1 million, from which participating Settlement Class Members will receive *pro rata* payments after deducting related settlement costs. Plaintiff anticipates a per-claimant recovery of between \$40 and \$110, which is well in line with, and in many cases surpasses, similar TCPA class settlements recently approved.

Plaintiff now seeks this Court’s preliminary approval of the parties’ class settlement, his appointment as class representative, and his counsel’s appointment as class counsel for the following

¹ The proper defendant here is Discover Bank, not Discover Financial Services, Inc.

Settlement Class:

All persons and entities throughout the United States (1) to whom Discover placed, or caused to be placed by one of its agents or vendors, a call, (2) directed to a telephone number assigned to a cellular service, (3) that used an artificial or prerecorded voice, (4) from August 25, 2017, through the date of the preliminary approval order, (5) where the subject of the call was a credit card account issued by Discover, and (6) where the recipient of the call was not a Discover customer.

As explained in the accompanying memorandum of law, Plaintiff's and the Settlement Class Members' claims are eminently suitable to class treatment, particularly in the context of the settlement presented. Furthermore, the resolution reached is fair and reasonable and should be preliminarily approved such that the parties may move forward with their proposed class notice program.

Submitted herewith is a proposed order of preliminary approval. Defendant does not oppose the relief sought.

Dated: December 1, 2022

/s/ Michael L. Greenwald
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class*